

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES COMMODITY FUTURES
TRADING COMMISSION,**

Plaintiff,

V.

**ERIC MONCADA; BES CAPITAL LLC; and
SERDIKA LLC.**

Defendant(s).

Civil Action No. 12-cv-8791 (CM)
(GWG)

**PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S MOTION TO
STRIKE THE EXPERT REPORT OF STEVEN WOLLACK**

Plaintiff U.S. Commodity Futures Trading Commission (“CFTC” or “Commission”), pursuant to Rules 401, 402, and 702 of the Federal Rules of Evidence (“Fed. R. Evid.”), moves this Court to strike the Expert Report of Steven Wollack, Defendant Moncada’s proffered expert, from the record.

In support of this Motion, the CFTC respectfully refers this Court to its Memorandum in Support of the Plaintiff's Motion to Strike the Expert Report of Steven Wollack and the First Affidavit of Jennifer Diamond, with attached exhibits lodged with the Court for the reasons why this Motion should be granted.

Dated: March 12, 2014

Respectfully Submitted,

/s/ Jennifer S. Diamond
Jennifer S. Diamond (Illinois Bar No. 6278482)

Richard Glaser (Member, New York State Bar
and U.S. District Court for the Southern District
of New York Bar No. RG8652)

Andrew Ridenour (D.C. Bar No. 501628)

Kenneth McCracken (Missouri Bar No. 44049)

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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2014, I caused (a) this Motion to Strike the Expert Report of Steven Wollack; (b) Memorandum in Support of the Plaintiff's Motion to Strike the Expert Report of Steven Wollack; (c) the First Affidavit of Jennifer Diamond, with attached exhibits, to be served via electronic mail upon:

Eric Moncada
Through Counsel Richard Asche
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By: /s/ Jennifer S. Diamond
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